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6 Attorneys for Plaintiffs ACER, INC., ACER
AMERICA CORPORATION and
7 GATEWAY, INC.

8 UNITED STATES DISTRICT COURT
9
10 NORTHERN DISTRICT OF CALIFORNIA
11 SAN JOSE DIVISION

12 ACER, INC., ACER AMERICA
CORPORATION and GATEWAY, INC.,

13 Plaintiffs,

14 v.

15 TECHNOLOGY PROPERTIES LIMITED,
PATRIOT SCIENTIFIC CORPORATION, and
16 ALLIACENSE LIMITED,

Defendants.

Case No. 5:08-cv-00877 JF

**DECLARATION OF ACER
AMERICA CORPORATION IN
SUPPORT OF PLAINTIFFS'
OPPOSITION TO DEFENDANTS'
MOTION TO DISMISS**

17 I, Amy Lee declare:

18 1. I am employed by Acer America Corporation as the Director of Fulfillment
19 Department. I have personal knowledge of the facts set forth below and, if called as a witness, I
20 could and would testify competently to them.

21 2. I have been employed by Acer America Corporation ("ACER AMERICA") since
22 1998.

23 3. ACER AMERICA is headquartered in San Jose, California. ACER AMERICA is
24 one of the leading notebook computer resellers in the United States. ACER AMERICA develops,
25 supports, and markets a wide range of personal computers, computer monitors, servers, and
26 computer accessories. In addition to having its headquarters in San Jose, California, ACER
27 AMERICA transacts a significant amount of business within the State of California.
28

1 4. ACER AMERICA places orders for computers and computer products through
2 Acer Inc. Acer Inc., through its supply network of original design manufacturers (ODM) in
3 Taiwan and China, has the computers and computer products manufactured. The ODMs then
4 directly ship the computers and computer products directly to ACER AMERICA.

5 5. Approximately ninety percent (90%) of all of the products sold in the United
6 States by AAC are shipped directly to Long Beach, California.

7 6. ACER AMERICA serves as a regional headquarters for Acer Inc for the Pan-
8 American region. ACER AMERICA is responsible for all business arrangements in North and
9 South America, and negotiates all agreements with its channel suppliers (e.g. Wal-Mart, Best
10 Buy, etc.) at its offices in San Jose, California.

11 7. Acer America Corporation does approximately \$ 335 million in annual sales in
12 2007 in California. Sales of the accused product are included in these totals.

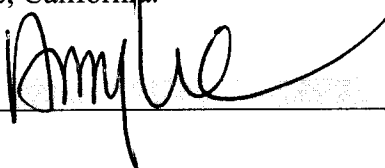
13 8. Acer America Corporation has virtually all of its employees located in California.

14 9. With the understanding that the Northern District of California was the most
15 appropriate forum to adjudicate the current Declaratory Judgment Action, ACER AMERICA
16 retained counsel based in the San Francisco Bay Area to file its Complaint.

17 10. Further, the majority of documents relating to the sales of accused infringing
18 products are located in California. These documents are stored at ACER AMERICA's office in
19 San Jose, California.

1 I declare under penalty of perjury under the laws of the United States that the foregoing is
2 true and correct.

3 Executed this 10th day of July, 2008, in San Jose, California.

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